

Vessels less than 20 meters long may anchor in these areas without displaying the anchor lights and shapes required by Inland Navigation Rule 30 (33 U.S.C. 2030(g)).

These regulations were specifically established to enhance the safety of the participants in and spectators of the marine portions of the Hampton Bay Days Festival and the regulations are hereby implemented.

Dated: August 29, 1995.

N.V. Scurria, Jr.,

Captain, U.S. Coast Guard, Commander, Fifth Coast Guard District, Acting.

[FR Doc. 95-22531 Filed 9-11-95; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD 07-95-20]

RIN 2115-AE47

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, FL

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is removing the regulations governing the operation of the Merrill Barber, State Road 60 bridge, mile 951.9, at Vero Beach. This drawbridge has been replaced by a fixed bridge and there is no longer a need for the regulation.

EFFECTIVE DATE: October 12, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Walt Paskowsky, Project Manager, Bridge Section, (305) 536-4103.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, as notice of proposed rulemaking has not been published for these regulations, because there is no longer a need for the regulations as they pertain to a drawbridge that no longer exists.

Drafting Information

The principal persons involved in drafting this document are Walt Paskowsky, Project Manager, and LT Commander Rob Wilkins, Project Counsel.

Background and Purpose

The Merrill Barber bridge was replaced by a high level fixed bridge on March 1, 1995. The old drawbridge is in the process of being removed from the waterway. This removal is a requirement of the permit issued for the new bridge. The regulations in 33 CFR 117.261(n) governing the operation of the old drawbridge are no longer necessary and are being removed.

Environment

Under section 2.B.2.e(32)(e) of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation.

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. We conclude this because the drawbridge no longer exists.

List of Subjects in 33 CFR Part 117

Bridges.

In consideration of the foregoing facts, part 117 of Title 33 of the Code of Federal Regulations is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); Section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Section 117.261 paragraph (n) is removed and reserved.

§ 117.261 Atlantic Intracoastal Waterway from St. Mary's River to Key Largo.

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(n) [Removed and reserved]

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Dated: July 21, 1995.

R.T. Rufe, Jr.,

Rear Admiral, U.S. Coast Guard Commander, Seventh Coast Guard District.

[FR Doc. 95-22529 Filed 9-11-95; 8:45 am]

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33 CFR Part 165

[CGD02-95-015]

RIN 2115-AE84

Regulated Navigation Area; Ohio River Mile 461.0 to 462.0

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a regulated navigation area on the Ohio River from mile 461.0 to mile 462.0. This regulation is needed to protest and control recreational and commercial vessel traffic during three Jimmy Buffet concerts at the Riverbend Music Center, Cincinnati, Ohio. This regulation will restrict general navigation in the regulated area for the safety of recreational and commercial vessels.

EFFECTIVE DATES: This regulation is effective between 8 p.m. and 11 p.m. EDT on September 22, 23, and 26, 1995.

FOR FURTHER INFORMATION CONTACT: CWO Ken Smith, Operations Officer, Captain of the Port, Louisville, Kentucky at (502) 582-5194.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are Chief Warrant Officer Ken Smith, Operations Officer for the Captain of the Port Louisville, Kentucky, and Lieutenant S. Moody, Project Attorney, Second Coast Guard District Legal Office, St. Louis, MO.

Regulatory History

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for this regulation and good cause exists for making it effective in less than 30 days from the date of publication. Overriding safety concerns and short notice of scheduling of the event made following normal rulemaking procedures impracticable. Three Jimmy Buffet concerts at the Riverbend Music Center, an arena located on the shores of the Ohio River, are expected to attract hundreds of recreational vessels to the area. These shoreside concerts are not marine events and therefore the sponsors were not required to notify the Coast Guard of the event. As a result, the Coast Guard did not learn of the need for vessel traffic control in time to publish a notice of proposed rulemaking.

Background and Purpose

For the past few years Jimmy Buffet has performed annual concerts at the

Riverbend Music Center and over that period of time the concerts have increased in popularity. In the last few years, this particular concert series has attracted an increasingly large number of spectator craft, posing a significant hazard to navigation. This increased number of vessels has contributed to an unusually high number of close calls between spectator craft and commercial traffic. The purpose of this regulation is to establish navigation and operating restrictions which will serve to separate recreational vessels from commercial vessel traffic, and if needed, to escort commercial traffic through the regulated navigation zone.

Regulatory Evaluation

This regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). Because of the limited duration of the restrictions, the Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

To avoid any unnecessary adverse economic impact on businesses which use the river for commercial purposes, Captain of the Port, Louisville, Kentucky will monitor river conditions and will amend restrictions in the regulated area as conditions permit. Changes will be announced by Marine Safety Information Radio broadcast (Broadcast Notice to Mariners) on VHF marine band radio, channel 22 (157.1 MHz). Mariners may also call the Port Operations Officer, Captain of the Port, Louisville, Kentucky at (502) 582-5194 for current information.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

Because the Coast Guard expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C.

605(b) that this regulation, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism Assessment

The Coast Guard has analyzed this regulation under the principles and criteria contained in Executive Order 12612 and has determined that it does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard considered the environmental impact of this regulation and concluded that, under section 2.B.2 of Commandant Instruction M16475.1B, as revised by 59 FR 38654; July 29, 1994, this regulation is categorically excluded from further environmental documentation as an action required to protect public safety.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Records and recordkeeping, Security measures, Vessels, Waterways.

Temporary Regulation

In consideration of the foregoing, subpart F of part 165 of Title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citations for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 604-6, and 160.5; 49 CFR 1.46.

2. A temporary § 165.T02-064 is added to read as follows:

§ 165-T02-064 Regulation Navigation Area: Ohio River.

(a) *Location.* The Ohio River between mile 461.0 and 462.0 is established as a regulated navigation area.

(b) *Effective dates.* This section is effective between 8 p.m. and 11 p.m. EDT on September 22, 23, and 26, 1995.

(c) *Regulations.* (1) Commercial vessels transiting the regulated navigation area shall proceed at minimum steerage and at the direction of Coast Guard officers or petty officers who will be patrolling the regulated area on board Coast Guard vessels.

(2) Recreational vessels within the area shall not anchor or moor in the navigable channel.

(3) The Captain of the Port, Louisville, Kentucky may, upon request, or for good cause, depending on on-scene conditions, authorize a deviation from any regulation in this section if it is found that proposed or needed operations can be performed safely.

(4) The Captain of the Port, Louisville, Kentucky will notify the maritime community of river conditions affecting the area covered by this regulated navigation of by Marine Safety Information Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

Dated: August 30, 1995.

Paul M. Blayney,

Rear Admiral, U.S. Coast Guard Commander, Second Coast Guard District, St. Louis, MO
[FR Doc. 95-22528 Filed 9-11-95; 8:45 am]

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33 CFR Part 165

[COTP Huntington 95-002]

RIN 2115-AA97

Safety Zone; Little Kanawha River, Mile 0.9 to 1.9, Worthington Creek Entrance, Wood County, WV

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone on the Little Kanawha River, at the entrance to Worthington Creek, Wood County, West Virginia, and all adjacent landside areas within a 500 foot radius of each specific explosive detonation site. This regulation is needed to control vessel traffic in the regulated area to prevent potential safety hazards for transiting vessels and the general public resulting from the demolition of the East Street Bridge at mile 1.4, Little Kanawha River, Parkersburg, West Virginia. Vessel movements within this safety zone are permitted under the criteria set forth in this regulation.

EFFECTIVE DATE: This regulation is effective at 6 a.m. EDT on September 11, 1995. It terminates on November 11, 1995 at 8 p.m. EST, unless terminated sooner by the Captain of the Port Huntington.

FOR FURTHER INFORMATION CONTACT:

LT Sean Moon, Chief of the Port Operations Department, Captain of the Port, Huntington, West Virginia at (304) 529-5524.